

Remarks

In response to the outstanding Restriction Requirement referenced above, Applicants herein elect Species III and V with traverse. Application claims 1-18, 20-43 and 45-48 are pending in the application. Application claims 1, 27, 28, 29, 30, 31, 32, 33, 34, 35, 40, 41, 43, 45 and 46 are independent.

Traverse of Restriction

Applicant traverses the restriction requirement with regards to the assertions of the Examiner with regards to Species I, II, and III.

The Examiner asserts that Species I is directed to a laryngeal mask that comprises distal lumen having a single opening, while indicating that Species II and III are directed to distal lumens which have two openings. Applicant respectfully contends that the wording of the species restriction is inaccurate as the specification of the present application shows embodiments having a single distal lumen, that distal lumen having *portions* comprising the same or different diameter as contemplated by the Species II and III description, or of a single shape, such as an ellipse as contemplated by the Species I description [see e.g. page 17, line 16 to Page 18 line 17]. Applicants therefore traverse the restriction to the extent that it requires Species II and III to have separate distal openings as opposed to portions of one opening.

Applicant further traverses the restriction to the extent that Species II and III require their to be *only* two portions. Applicant contends that the claims and specification can provide for an opening having two *or more* portions. To put it another way, that the Species II and III provide that the distal lumen have *at least two portions* with the stated diameter relationships.

Based on the above, Applicant believes the correct definitions of the Species to be.

Species II, is directed to a distal lumen whose opening has at least two portions, an upper portion and a lower portion having the same diameter.

Species III is directed to a distal lumen whose opening has at least two portions, an upper portion and a lower portion with different diameters, such as a keyhole pattern.

Applicant has used these Species definitions for purpose of classifying claims and for their election of Species and reserves the right to alter the classification if the Examiner rejects the traverse and asserts that these revised Species are not what he intended.

Classification of Claims

Applicant agrees with the Examiner that claims 33-35 are generic, and contends that there are further generic claims in the application and provides the following provisional listing of claims. Applicant reserves the right to alter this list in the event that Applicant's traverse of the restriction and attempted understanding and restatement of Species II and III is asserted by the Examiner to not be the intended differentiation between these species.

Claims 1-5: Generic to all Species.

Claim 6: Species I, Generic with respect to Species IV and V.

Claim 7: Species V, Generic with respect to Species I, II, and III.

Claims 8-17: Generic to all Species.

Claim 18: Species I, Generic with respect to Species IV and V.

Claim 20: Generic to all Species

Claims 21-24: Species III, Generic with respect to Species IV and V.

Claims 25-27: Generic to all Species

Claims 28-29: Species II, Generic with respect to Species IV, and V.

Claim 30: Species III, Generic with respect to Species IV and V.

Claim 31-32: Species III, Species V.

Claims 33-38: Generic to all Species.

Claims 39-40: Species V, Generic with respect to Species I, II, and III.

Claims 41-42: Generic to all Species.

Claims 43: Species III, Generic with regards to Species IV and V.

Claim 45: Species III, Species V.

Claims 46-48: Species III, Generic with respect to Species IV and V.

The election made herein is made solely to expedite prosecution. Applicant reserves the right to prosecute Groups and/or Species not elected herein in other patent applications claiming the benefit of the filing date of this application.

Applicant encloses herewith a petition for a one month extension of time and the requisite extension fee. Applicant believes that no fees are due in connection with the filing of this Response. However, the Commissioner is authorized to credit any overpayment or charge any deficiencies necessary for entering this amendment, including any claims fees and/or extension fees to/from our **Deposit Account No. 50-0975**.

If any questions remain, Applicant respectfully requests a telephone call to the below-signed attorney at (314) 444-7783.

Respectfully submitted,
Lewis, Rice & Fingersh, L.C.



Kirk A. Damman
Registration No. 42,461
Attorney for Applicant

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Customer Number: 22822

Lewis, Rice and Fingersh, L.C.
500 N. Broadway, Suite 2000
St. Louis, MO 63102-2147
Tel: (314) 444-7600
Fax: (314) 444-7783